

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA

**FILED**

FEB 06 2024

Timothy James Kellogg,

(Enter the full name of the plaintiff.)

CARMELITA REEDER SHINN, CLERK  
U.S. DIST. COURT, WESTERN DIST. OKLA.  
BY Nak, DEPUTY

v.

Case No. CIV-24-135-HE

(Court Clerk will insert case number)

(1) Tony Aguilera,

(2) Jace Gilley,

(3) Cole, Jack.

(Enter the full name of each defendant. Attach additional sheets as necessary.)

**PRO SE PRISONER CIVIL RIGHTS COMPLAINT**

Initial Instructions

1. You must type or legibly handwrite the Complaint, and you must answer all questions concisely and in the proper space. Where more space is needed to answer any question, you may attach a separate sheet.
2. You must provide a full name for each defendant and describe where that defendant resides or can be located.
3. You must send the original complaint and one copy to the Clerk of the District Court.
4. You must pay an initial fee of \$402 (including a \$350 filing fee and a \$52 administrative fee). The complaint will not be considered filed until the Clerk receives the \$402 fee or you are granted permission to proceed *in forma pauperis*.
5. If you cannot prepay the \$402 fee, you may request permission to proceed *in forma pauperis* in accordance with the procedures set forth in the Court's form application to proceed *in forma pauperis*. See 28 U.S.C. § 1915; Local Civil Rule 3.3.

## Defendants

- (4) Marcus Mercer
- (5) Cortnie Seiss
- (6) Cheyenne Underwood
- (7) David A. Cincotta
- (8) Carrie E. Hixon
- (9) Tom Newby
- (10) August Heim
- (11) Tryston Walsh
- (12) Danielle Wilson
- (13) Lincoln County SherriFF's Office
- (14) Javier Martinez
- (15) Terri Turley
- (16) Eva Gray
- (17) Christy Baird
- (18) Bruce Pittman
- (19)

- If the court grants your request, the \$52 administrative fee will not be assessed and your total filing fee will be \$350.
- You will be required to make an initial partial payment, which the court will calculate, and then prison officials will deduct the remaining balance from your prison accounts over time.
- These deductions will be made until the entire \$350 filing fee is paid, **regardless of how the court decides your case.**

7. The Court will review your complaint before deciding whether to authorize service of process on the defendants. See 28 U.S.C. §§ 1915(e)(2), 1915A; 42 U.S.C. § 1997e(c)(1). If the Court grants such permission, the Clerk will send you the necessary instructions and forms.

8. If you have been granted permission to proceed *in forma pauperis*, the United States Marshals Service will be authorized to serve the defendants based on information you provide. If you have not been granted permission to proceed *in forma pauperis*, you will be responsible for service of a separate summons and copy of the complaint on each defendant in accordance with Rule 4 of the Federal Rules of Civil Procedure.

### COMPLAINT

**I. Jurisdiction is asserted pursuant to:**

☒ 42 U.S.C. § 1983 and 28 U.S.C. § 1343(a)(3) (NOTE: these provisions generally apply to state prisoners), or

☐ *Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics*, 403 U.S. 388 (1971), and 28 U.S.C. § 1331 (NOTE: these provisions generally apply to federal prisoners)

If you want to assert jurisdiction under different or additional statutes, list these below:

(Federal Title 18 section 2071) (Federal Title 18 Section 1001)  
 (Federal Title 42 section 3617) (Oklahoma Code 201)  
 (Federal Title 18 section 242) (Federal Constitutional Amendments 1, 4, 5, 6, 8, 9, 10, 14)

**II. State whether you are a:**

☐ Convicted and sentenced state prisoner

☐ Convicted and sentenced federal prisoner

☒ Pretrial detainee

☐ Immigration detainee

☐ Civilly committed detainee

☒ Other (please explain) Probationee

**III. Previous Federal Civil Actions or Appeals**

List each civil action or appeal you have brought in a federal court while you were incarcerated or detained in any facility.

**1. Prior Civil Action/Appeal No. 1**

**a. Parties to previous lawsuit:**

Plaintiff(s): \_\_\_\_\_

Defendant(s): \_\_\_\_\_

**b. Court and docket number:** \_\_\_\_\_

**c. Approximate date of filing:** \_\_\_\_\_

**d. Issues raised:** \_\_\_\_\_

**e. Disposition (for example: Did you win? Was the case dismissed? Was summary judgment entered against you? Is the case still pending? Did you appeal?):** \_\_\_\_\_

**f. Approximate date of disposition:** \_\_\_\_\_

If there is more than one civil action or appeal, describe the additional civil actions or appeals using this same format on a separate sheet(s).

**IV. Parties to Current Lawsuit**

State information about yourself and each person or company listed as a defendant in the caption (the heading) of this complaint.

## 1. Plaintiff

Name and any aliases: Timothy James Kellogg  
 Address: 101 S. 11th St. Duncan, OK 73533  
 Inmate No.: 188495

## 2. Defendant No. 1

Name and official position: Tony Aguilera, Police officer

Place of employment and/or residence: Marlow Police Department 115 N. 2nd Marlow, OK 73055

How is this person sued? ( ) official capacity, ( ) individual capacity, (X) both

## 3. Defendant No. 2

Name and official position: Jace Gilley, Police officer

Place of employment and/or residence: Marlow Police Department 115 N. 2nd Marlow, OK 73055

How is this person sued? ( ) official capacity, ( ) individual capacity, (X) both

If there are more than two defendants, describe the additional defendants using this same format on a separate sheet(s).

## 4 Defendant No. 3

Name and official position: Cole Jack  
Police Officer

Place of employment and/or residence: Marlow  
Police Department 115 N. 2nd Marlow, OK 73055

How is this person sued? ( ) official capacity, ( ) individual capacity, (X) both

## 5 Defendant No. 4

Name and official position: Marcus Mercer  
Police officer, How is this person sued? (X) both

Place of employment and/or residence: Marlow Police  
Department 115 N. 2nd Marlow, OK 73055

## 6 Defendant No. 5

Name and official position: Cortnie Seiss

Assistant District Attorney How is this person sued? (X) both

Place of employment and/or residence: 101 S. 11th  
Duncan, OK 73533

## 7 Defendant No. 6

Name and official position: Cheyenne Underwood  
O.D.S. Attorney

Place of employment and/or residence: 101 S. 11th  
Duncan, OK 73533

How is this person sued? ( ) official capacity, ( ) individual capacity, (X) both

## 8 Defendant No. 7

Name and official position: David A. Cincotta. Paid Attorney.

Place of employment and/or residence: 3422 NW 135th St, OKC, OK 73120

How is this person sued? ( ) official capacity, ( ) individual capacity, (X) both

9 Defendant No 8: Carrie E. Hixon

Name and official position: Carrie E. Hixon

Associate District Judge.

Place of employment: 101 S. 11th Duncan, OK 73533

How is this person sued? ( ) official capacity, ( ) individual capacity, (X) both

10 Defendant No 9:

Name and official position: Tom Newby

District Judge

Place of employment: 114 W. Broadway Ave.

Enid, OK 73701

How is this person sued? ( ) official capacity, ( ) individual capacity, (X) both

11 Defendant No 10:

Name and official position: August Heim

Oklahoma Department of Corrections Probation & Parole officer

Place of employment: Holdenville Probation & Parole

office Holdenville, OK. Main office is Ada Probation & Parole office, Ada, OK.

How is this person sued? ( ) official capacity, ( ) individual capacity, (X) both.

12 Defendant No 11:

Name and official position: Tryston Walsh

Oklahoma Department of Corrections Probation & Parole officer

Place of employment: Holdenville Probation & Parole office

Holdenville, OK. Main office Ada, OK

How is this person sued? ( ) official capacity, ( ) individual capacity, (X) both

13. Defendant no: 12

Name and official position: Danielle Wilson

Place of employment: Oklahoma Department of Corrections Probation & Parole Team

Supervisor: Place of employment: Ada Probation & Parole office

Ada, OK. How is this person sued? ☐ official capacity, ☐ individual capacity, ☒ both.

14. Defendant no: 13

Name and official position: Name Unknown

Place of employment: Sheriff of Lincoln County.

Place of employment: Lincoln County Sheriff's Office, Chandler, OK. How is this person sued? ☐ official capacity, ☐ individual capacity, ☒ both.

15. Defendant no: 14

Name and official position: Javier Martinez

Place of employment: Stephens County Jail Administrator

Place of employment: 101 S. 11th Duncan, OK 73533

How is this person sued? ☐ official capacity, ☐ individual capacity, ☒ both.

16. Defendant no: 15 Terri Turley

Name and official position: Terri Turley, Jail administration.

Place of employment: 101 S. 11th

Duncan, OK 73533. How is this person sued? ☐ official capacity, ☐ individual capacity, ☒ both.

17. Defendant no: 16

Name and official position: Eva Gray, Jail administration

Place of employment: 101 S. 11th Duncan, OK 73533

How is this person sued? ☐ official capacity, ☐ individual capacity, ☒ both.

18 Defendant NO: 17

Name and official Position: Christy Baird Detention officer. Place of employment: 101 S. 11th Duncan, OK 73533

How is this person Sued? ( ) official capacity, ( ) individual capacity, (X) both.

19 both. 19. Defendant NO: 18

Name and official Position: Bruce Pittman, Detention officer  
Place of employment: 101 S. 11th Duncan, OK 73533

How is this person Sued? ( ) official capacity, ( ) individual capacity (X) both.

**V. Cause of Action**

**Instructions**

1. *Provide a short and plain statement of each claim.*
  - Describe the facts that are the basis for your claim.
  - You can generally only sue defendants who were directly involved in harming you. Describe how each defendant violated your rights, giving dates and places.
  - Explain how you were hurt and the extent of your injuries.
2. *You are not required to cite case law.*
  - Describe the constitutional or statutory rights you believe the defendant(s) violated.
  - At this stage in the proceedings, you do not need to cite or discuss any case law.
3. *You are not required to attach exhibits.*
  - If you do attach exhibits, you should refer to the exhibits in the statement of your claim and explain why you included them.
4. *Be aware of the requirement that you exhaust prison grievance procedures **before** filing your lawsuit.*
  - If the evidence shows that you did not fully comply with an available prison grievance process prior to filing this lawsuit, the court may dismiss the unexhausted claim(s) or grant judgment against you. *See* 42 U.S.C. § 1997e(a).
  - Every claim you raise must be exhausted in the appropriate manner.
5. *Be aware of any statute of limitations.*
  - If you are suing about events that happened in the past, your case may be subject to dismissal under the statute of limitations. For example, for many civil rights claims, an action must be brought within two years from the date when the plaintiff knew or had reason to know of the injury that is the basis for the claim.

6. *Do not include claims relating to your criminal conviction or to prison disciplinary proceedings that resulted in loss of good time credits.*

- If a ruling in your favor “would necessarily imply the invalidity” of a criminal conviction or prison disciplinary punishment affecting the time served, then you cannot make these claims in a civil rights complaint unless you have already had the conviction or prison disciplinary proceeding invalidated, for example through a habeas proceeding.

### Claims

List the federal right(s) that you believe have been violated, and describe what happened. Each alleged violation of a federal right should be listed separately as its own claim.

**1. Claim 1:**

(1) List the right that you believe was violated:

4th and 5th Constitutional Amendment rights, Title 42 section 3617,  
Title 18 section 1001, Federal Title 18 Section 2071, Federal Title 18 section  
242.

(2) List the defendant(s) to this claim: (If you have sued more than one defendant, specify each person or entity that is a defendant for this particular claim.)

Tony Aguilera, Jace Gilley, Cole Jack, Marcus Mercer, Cortnie Seiss,  
Carrie E. Hixon

(3) List the supporting facts:

Exhibit A-7, Exhibit A-6, Exhibit A-5, Exhibit A-3, these documents  
explain in detail the particulars and supporting facts of my claims.

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(4) Relief requested: (State briefly exactly what you want the court to do for you.)

Monetary value for lawyer fees, loss of wages, deprivation of rights,  
legal injuries, mental anguish, injuries to character publicly, loss of career.  
I am asking for \$150,000<sup>00</sup> from all defendants in Claim 1 for  
all previous stated injuries and Constitutional violations.

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2. Claim II:

(1) List the right that you believe was violated:

14th Amendment right, 6th Amendment right, 8th Amendment right.  
(Federal Title 42 Section 3617) (Oklahoma Code 201) (Federal Title 18 Section 242)  
(Federal Title 18 Section 1001) 1st Amendment right, 5th Amendment right

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(2) List the defendant(s) to this claim: (If you have sued more than one defendant, specify each person or entity that is a defendant for this particular claim.)

Cheyenne Underwood, Carrie E. Hixon, Cortnie Seiss,  
Tom Newby, August Heim, Tryston Walsh, Danielle Wilson,  
David A. Cincotta.

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(3) List the supporting facts:

Exhibit A-6, Exhibit A-5, Exhibit A-3, Exhibit A-2, Exhibit A-1,  
Exhibit B-4, Exhibit B-3, Exhibit B-2, Exhibit B-1. All previously  
stated exhibits that are attached to this document prove the  
facts on Claim 2.

(4) Relief requested: (State briefly exactly what you want the court to do for you.)

Monetary relief for legal fees, loss of wages, deprivation of rights,  
mental anguish, strategic malicious wrongful and forceful  
prosecution, asking for \$92,350.00 for all injuries  
stated in Claim 2.

If there are more than two claims that you wish to assert, describe the additional claims using this same format on a separate sheet(s).

## VI. Declarations

I declare under penalty of perjury that the foregoing is true and correct.

Timothy Kellogg  
Plaintiff's signature

02-01-24  
Date

I further declare under penalty of perjury that I placed this complaint in the prison's legal mail system, with the correct postage attached, on the 1 day of February, 2024.

Timothy Kellogg  
Plaintiff's signature

02-01-24  
Date

Claim III:

- 1 (1) List the right that you believe was violated?  
(Federal Title 18 section 242) (Oklahoma Code 201),  
(Federal Title 42 section 3617), Constitutional  
Amendments 8, 1,
- 2 (2) List the defendant(s) to this claim. (Exhibits  
Javier Martinez Territerley, Eva Gray,  
Christie Baird, Bruce Pittman,
- 3 (3) List the supporting facts!  
Ex C-1, Ex C-4, Ex C-5, Ex C-6, Ex C-8, Ex C-9, Ex A-4, Ex A-6  
These exhibits prove the facts of Claim III
- 4 Relief requested:

\$220,000 for all injuries incurred on Claim 3  
this is the monetary relief I am asking for.

Claim 4:

1. (1) List the right that you believe was violated?  
Constitutional Amendments 1 4 5 6 9 8 14  
(Federal Title 18 section 2071) (Federal Title 18 section 1001)  
all previously stated claims are interdependent upon  
this claim.
- 2 (2) List the Defendant(s) to this claim. (Ex  
Lincoln County Sheriff's Office
- 3 (3) List the supporting facts!  
Exhibit A-6, Exhibit B-1, Exhibit B-2, Exhibit B-3
- 4 (4) Relief Requested.  
\$582,350.00, is requested for all injuries  
incurred and for all other stated claims being  
interdependent upon this claim.

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1 of 4  
EX-A1

IN THE DISTRICT COURT OF THE FIFTH  
JUDICIAL DISTRICT OF THE STATE OF  
OKLAHOMA SITTING IN AND FOR STEPHENS COUNTY  
(THE STATE OF OKLAHOMA)

Plaintiff,

Case NO: CM+2023-394

vs:

TIMOTHY JAMES KELLOGG

Defendant(s).

## NOTICE

I the defendant of said case number  
CM:2023-394 do hereby formally present  
this notice to the District Court of Stephens  
County.

The objective of this notice is to  
solemnly obtain proper processing of all  
litigations to prove my innocence on  
multiple charges and allegations  
in Stephens County, Lincoln County &  
Garfield County. This process will protect  
the defendant from lack of equality in the  
protection of the U.S. Constitution and  
Laws of Oklahoma to obtain this situational  
awareness of not being wrongfully revoked  
by the Garfield County District Court  
& By the Oklahoma Department of Corrections  
Probation and Parole Office in Holdenville  
Oklahoma, we must first protect my First  
Amendment right to redress my grievances,

My Fourth amendment to secure  
 and my persons, papers and effects,  
 Sixth amendment to the right of a  
 Speedy trial also be informed of the  
 nature and cause and for obtaining  
 witnesses and evidence in the  
 defendants favor and to have  
 adequate assistance for the  
 defendants defense. Eighth  
 amendment right to no excessive  
 bail, no excessive fines or no  
 cruel and unusual punishments inflicted.  
 Ninth amendment: To prevent certain  
 rights to be violated by the State  
 under their seats of authority to deny  
 my prowess to exercise my rights  
 and prevent any denial or attempt to  
 disparage my rights retained by  
 my citizenship. Thirteenth Amendment right  
 to be duly convicted and punished with  
 involuntary servitude. Fourteenth Amendment  
 no state shall enforce any law which shall  
 abridge the privileges or immunities of citizens of  
 the United States nor shall any State deprive  
 any person of life, liberty or property without  
 due process of law nor to deny to any person  
 within its jurisdiction the equal protection

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of the laws.

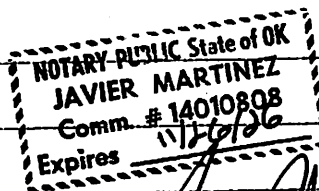
This can be rationalized through handling my case in Stephens County and methodically and meticulously handling all other allegations before being sent through a writ of habeas corpus and sent to Garfield County and revoked on multiple wrongful allegations. The merit on my request should prove a need for either a merger of litigations or proper migration for proper verdicts to be rendered in parallel of my protection of rights, the only way my constitutional rights both federal and state rights also my protection of the Oklahoma Statutes and regulations is to order relief granting all my previous stated requests and to communicate through proper delegations of all other counties and authorities involved.

I the defendant hereby certify all information to be true to the best of my knowledge and also hereby certify that this notice was mailed to the Court Clerks Office via United States Postal Service.

Page  
4 of 4

On this day of January  
18<sup>th</sup> 2024, I affirm under the  
Penalty of perjury that all information  
is correct,

DEFENDANT SIGNATURE Timothy Kelleys



[Signature]  
1/24/24

Pg 1 of 3

# IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF OKLAHOMA SITTING IN AND FOR STEPHENS COUNTY

THE STATE OF OKLAHOMA

Case NO: CM 2023-394

Plaintiff,

vs

TIMOTHY JAMES KELLOGG

Defendant(s).

## ORDER GRANTING RELIEF ON NOTICES

Now the order granting relief on notices comes before the District Court of Stephens County the order of relief is to grant a subpoena to obtain possible police reports, body cam footage affidavits of fact from the motel manager in Marlow Oklahoma saying whether or not that the Marlow Police had permission or not to enter the motel room from the motel manager or proper consent from the occupants and to be able to prove if force intimidation, or fear was used to enter the motel room there for proving Constitutional, Federal and State violations, and Federal and State Statutes were violated which Citizens of the United States and the State of Oklahoma are due the rights of the protection of the laws there of. Therefore protecting the defendant from cruel and unusual punishment preexecution.

'920f3

finer to be impose upon the defendant.  
There for proving Cheyenne Underwood  
Counselor for the defendant, did not file  
the proper pretrial motions in a timely manner  
to protect the defendant's Sixth Amendment  
Fourth Amendment, Fifth Amendment, Eighth Amendment,  
Ninth Amendment, Thirteenth Amendment and  
Fourteenth Amendment from being violated.

There for I, the defendant am asking  
for Cheyenne Underwood be removed from  
my case and a adequate Counsel be appointed,  
and the proper motions to be filed to prevent  
The Garfield County Sheriff's Office from  
coming and getting me and wrongfully convicting  
me until after I am tried in Stephens County  
and duly convicted therefore protecting my  
Fourteenth Amendment right.

It is there for ordered adjudged  
decreed that this order of relief to be granted  
upon dismissal of counsel.

It is further ordered adjudged and  
decreed that the defendant's request for a  
Sub Poena be granted and executed by the  
Stephens County Sheriff's Office it is  
also requested and ordered for all particulars

23053

In this order and previous notice  
be duly executed and all the expenses  
to the defendant be waived due to  
the defendant being indigent due to  
incarceration.

I hereby Certify that all information  
in this order's previously stated particulars  
are true to the best of my knowledge,  
under the penalty of perjury.

I hereby Certify that this document  
was delivered to the Court Clerk's office  
and formally filed.

It is so ordered

Approved:

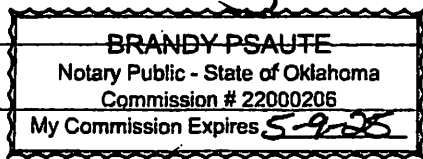
Timothy Kellogg

Defendant  
Signature

Defendant's  
Attorney

Judge of the District  
Court.

Assistant District  
Attorney



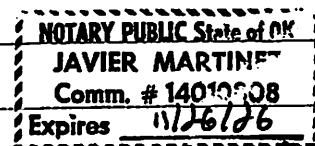
Brandy Psauts  
1-24-24

EX-A3

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Case no: CM-2023-394

TO: Cheyenne Underwood  
 have you filed for a motion for  
 discovery? & Have you received  
 any kind of evidence that the district  
 attorneys office is trying to use  
 against me? & Have you seen  
 the notice I filed with the Stephens  
 County Court Clerk? If you don't respond  
 back I'm taking it as a failure to  
 communicate and then I'll be filing  
 a Complaint with the Oklahoma Bar  
 Association and will have you removed  
 as my Court appointed Counsel through  
 the official process. If you feel you  
 have too many clients to delegate pro se time  
 to my case you can remove yourself from  
 my case to save you the embarrassment,  
 and I will be filing a judicial Complaint  
 against the judge for allowing this to  
 take place in her courtroom.

Signed *Timothy James*

A handwritten signature in black ink, appearing to read "Timothy James", written over the notary seal.

4/24/24

EX-A4

# STEPHENS COUNTY DETENTION CENTER

## REQUEST TO STAFF

FROM: Timothy KelloggCELL: DE 3DATE: 01-14-24TO: Center (WHICH STAFF MEMBER)I HAVE    HAVE NOT    ALREADY SUBMITTED A REQUEST TO STAFFDATE SUBMITTED:                     

STATE COMPLETELY THE ISSUE IN WHICH YOU NEED ASSISTANCE, MUST BE SPECIFIC TO THE ISSUE WITH ALL DETAILS, DATE, TIME, PLACES.

### ONE ISSUE PER REQUEST TO STAFF

May I please get the Kiosk turned on and brought home so I can use it and just my phone turned on? I should be allowed to use the phone in the Kiosk, I should be able to sue because you and your staff are engaging with other inmates for filing lawsuits against you. If I don't start being allowed to use the Kiosk and the phone like I'm supposed to be able to, I'm gonna file a lawsuit as well. Thank you and have a blessed day.

SIGNATURE: Timothy Kellogg DATE: 01-14-24

DO NOT WRITE BELOW LINE

DISPOSITION: It should be on. And if it is off there are certain reasons why it was off. There are other ways you can communicate to you family and friends like writing a letter. The phones are not off because of any lawsuit. Sir do what you need to do.

STAFF MEMBER: C. BaineDATE: 1/14/24

EX-A5

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF  
OKLAHOMA SITTING IN AND FOR STEPHENS COUNTY

THE STATE OF OKLAHOMA,

Plaintiff,

vs.

TIMOTHY JAMES KELLOGG

ADDR: 3537 US 60 Hwy #112  
Ponca City, OK

DL: \*\*\*\*

SSN: \*\*\*-\*\*-2990

DOB: January, 1992

Defendant(s).

NEXT COURT DATE: 3-5-24@9

Case No. CM-2023-394

FILED DISTRICT COURT  
Stephens County, Okla.

DEC 08 2023

MELODY HARPER  
Court Clerk

INFORMATION

FOR:

COUNT 1: OBSTRUCTING OFFICER ~ 21 O.S. § 540, a MISDEMEANOR

STATE OF OKLAHOMA, COUNTY OF STEPHENS:

I, Jason M. Hicks, the undersigned District Attorney of said County, in the name and by the authority of the State of Oklahoma, give information that in said County of Stephens and in the State of Oklahoma, **TIMOTHY JAMES KELLOGG** did then and there unlawfully, willfully, knowingly and wrongfully commit the crime(s) of:

COUNT 1: OBSTRUCTING OFFICER ~ a MISDEMEANOR, on or about the 7th day of December, 2023, by obstructing Marlow Police Department, in the performance of said officer's official duty by lying about his identity.

This crime is punishable by imprisonment up to 1 year and/or up to \$500, or both.

JASON M. HICKS  
DISTRICT ATTORNEY

By: Cornie Siess

Cornie Siess  
Assistant District Attorney

WITNESSES ENDORSED FOR THE STATE OF OKLAHOMA

PRESENTING/ARRESTING OFFICER: Marcus Mercer

Tony Aguilera, Marlow Police Department, 115 N. 2nd, Marlow, OK 73055

Cassandra Eslick, 301 S. Hampton, Rush Springs, OK 73082

Evidence Custodian, Marlow Police Department, 115 N. 2nd St., Marlow, OK 73055

Jace Gilley, Marlow Police Department, 115 N. 2nd, Marlow, OK 73055

Cole Jack, Marlow Police Department, 115 N. 2nd St, Marlow, OK 73055

Marcus Mercer, Marlow Police Department, 115 N. 2nd St, Marlow, OK 73055

To the United States Western  
District Courts of Oklahoma

Today I am writing to you about multiple malicious violations of state and federal statutes along with constitutional violations. These attacks against my person range from discrimination, obscuring my legal prowess, inhumane living conditions inhibiting proper nutrition and denying my right to redress any issue formally by an official process. Every since being abused mentally and physically with bodily fluids. I had to tell the medical staff that I was suicidal just to get D.O. Bruce Pittman to move me from an extremely hostile environment. I was moved from C-3 to H-1 to OE3. After a humiliating experience I have been having to endure black mold harassment from Christy Baird D.O. Bruce Pittman allowing OE3 to get extremely small amounts of food and my cellmate J.T. Rich is so desensitized to proper humane treatment that I don't think he even realizes how badly he is being treated anymore. The food sometimes is so little for my cellmate and myself that we experience not only hunger pains but we get sick as well (in ways I do not want to mention as it is embarrassing). From deduction and common sense through my problem solving skills and comments from the cells around us I

Pg 2 of 4

Can see them take food from our JT's and my Trays and give it to the other inmates in the cells around us.

I am worried not only for my Cell mates Safety but also my own Safety now that I am a part of witnessing the behavior that is allowed here in Stephens County Jail in Duncan, Oklahoma.

Now my attached Corroborated documentation of them not allowing my Cellmate to make calls to his family for no reason except to deprive him of his rights it has also effected me as well.

They lie about things that are protected by Federal and State laws, These things are law library, paralegal help, legal mail, access to file motions and living conditions.

They are now attempting to silence me through manipulation of my outgoing mail. So that I am forced to go to Garfield County in Enid Oklahoma since I have denied Cheyenne Underwood an easy conviction because I told her I wouldn't sign for 30 days in the Stephens County Jail and that I told her to get a motion for discovery

Page  
304

and that we were taking my case to trial, Instead letting her get a deal with the DA Cortney Seiss and allow Mrs. Seiss to railroad me, even though I am innocent one thing I've noticed in the State of Oklahoma, a defendant is no longer innocent until proven guilty, instead a defendant is guilty until proven innocent and also in Oklahoma the defendant doesn't even get a fair trial at all because the public is made to believe the lies that not only the media like to spread but also what the prosecutor tells them and a lot of times they don't even have enough evidence to prove the crime was even committed by said defendant and then the defendant still gets convicted on here say, without taking a plea deal. Stephens County also takes days just to return copies of letters or legal motions. They intentionally try to make us act out of our normal character. The OLS attorney Cheyenne Underwood never answers calls. I request to staff or even my families calls.

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4074

We are at a complete disadvantage and as well as they leave the lights on in DE3 24/7 almost like a P.D.W. Camp. I am also attaching a copy of what lead me to the Stephens County Jail in hopes that all this info will help shine a light on my situation and others mistreatment inside the Stephens County Jail. I am also asking for all documents to file a legal claim on all party's involved.

You might want to send the documents not only to Stephens County Jail, but also to Garfield County Detention Center because I might get transferred to Garfield County in ENID, Oklahoma soon.

EX-47

1

To Whom it may Concern

I Timothy James Kellogg need the official formal complaint forms to file a 1983 civil action suit against certain individuals in Stephens County.

On December 7th 2023 I

Timothy James Kellogg was at the Century Motel with Cassandra Eslick the woman

I was seeing at the time when the Marlow Police officers Tony Aguilera 115 N 2ND Marlow, OK 73055 Jace Gilley Marlow Police Department Cole Jack Marlow Police Department, Marcus Mercer Marlow Police Department, all these officers showed up at the Century Motel where I was seeing Cassandra Eslick at first the officers came to the motel to check on the next door neighbor, Cassandra went outside to my silver 2005 Dodge Neon to get my clothes out of the car like I asked her she went out to my car 3 times. Then the officers left & then came back to the motel & then knocked on Cassandra's & my door to our room at the motel while I was in the bathroom I overheard Captain Tony Aguilera asking Cassandra if they could come inside the room she then told them yes I overheard Captain Tony Aguilera ask Cassandra if any one else was inside the room she said yes

her friend Captain Tony Aguilera then asked Cassandra if I had any warrants, Cassandra told Captain Tony Aguilera possibly. Captain Tony Aguilera then tells me

to come into the living room I told him I was using the bathroom he tells me I have 2 seconds to come into the living room or he was coming in the bathroom with me, then Captain Aguilera asks me what my name is I didn't tell Captain Aguilera anything except that I was exercising my Miranda right to remain silent, then lieutenant Marcus Mercer tells me to put my hands behind my back lieutenant Mercer then says that I am being detained, Captain Tony Aguilera & Lieutenant Marcus Mercer both ask me why I am sweating so much and also ask me & Cassandra why we are so nervous Cassandra told Captain Tony Aguilera it's because she just got out of the hospital & that she has bad anxiety. both Captain Aguilera & Lieutenant Mercer ask her & me if there were any illegal drugs in the room Cassandra told them no. CPT Aguilera & L.T. Mercer also ask me if one of Cassandra's pill bottles was mine

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then CPT. Aguilera & LT. Mercer  
 both start asking Cassandra & I  
 whose car is outside parked in front  
 of the room in the parking lot & if it was  
 stolen & why didn't it have a license  
 plate on it I said because I just bought it  
 CPT. Aguilera asks me who I bought it from  
 & where I bought it I told CPT Aguilera  
 from Kerry Chase in Seminole Oklahoma  
 & that state statute says that I can  
 legally drive a vehicle for 15 days  
 after purchasing it without it in my name  
 & without a license plate then I legally  
 have to park it until it's in my name  
 & has a license plate & insurance on it,  
 CPT Aguilera asks Cassandra to open the  
 car door so he could inspect the VIN Number  
 I then tell CPT Aguilera I do not consent to  
 no searches or seizures he then makes  
 Cassandra open the door anyway the way  
 they identified me was by forcing their way  
 into the room by intimidating my girlfriend Cassandra  
 Eslick causing her anxiety to bother her to the  
 point of being afraid of the police and the police  
 coerced Cassandra into telling them that I possibly  
 had warrants so they could detain me  
 & by doing so they illegally searched my person

3

after I told the police that I was exercising my right to remain silent & that I did not consent to no searches or seizures the police found my wallet in my back pocket of my jeans & searched my wallet & found my driver's license & ran my name through their dispatch center & found out I had a warrant out of Lincoln County.